

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JEREMY ZIELINSKI, TRAVIS HUDSON, BRUCE  
MOSES, OSCAR NUNEZ, JEAN MARC DESMARAT,  
AND DAVID HAIGH, *on behalf of themselves and all  
others similarly situated,*

Plaintiffs,

v.

NEW YORK DEPARTMENT OF CORRECTIONS AND  
COMMUNITY SUPERVISION; ACTING  
COMMISSIONER DANIEL F. MARTUSCELLO III, *in  
his official capacity;* SUPERINTENDENT DAVID  
HOWARD, *in his official capacity;* and DEPUTY  
SUPERINTENDENT FOR PROGRAM SERVICES  
DANIELLE GLEBOCKI, *in her official capacity*

Defendants.

No. 9:24-cv-450 (GTS/CFH)

**DECLARATION OF MADELINE BYRD IN SUPPORT OF PLAINTIFFS'**  
**MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY MOTION FOR**  
**INJUNCTIVE RELIEF**

I, Madeline E. Byrd, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. My name is Madeline Byrd, and I am over the age of twenty-one and competent to give this declaration.
2. I am an attorney and a senior associate at the law firm of Alston & Bird LLP, which represents Plaintiffs in connection with this matter.
3. Attached to this Declaration as **Exhibit 1** is a true and correct copy of the Solar Eclipse website page available at <https://parks.ny.gov/eclipse/>, last accessed on March 29, 2024.
4. Attached to this Declaration as **Exhibit 2** is a true and correct copy of Hallikaar,

V., *A look back at 1925, the last time New York saw a total solar eclipse*, SPECTRUM NEWS 1 CENTRAL NY (Dec. 26, 2023), available at <https://spectrumlocalnews.com/nys/central-ny/community/2023/12/26/a-look-back-at-1925--the-last-time-new-york-saw-a-total-solar-eclipse>, last accessed on March 29, 2024.

5. Attached to this Declaration as **Exhibit 3** is a true and correct copy of Ashford, J., *How eclipses feature in major world religions*, DALLAS MORNING NEWS (Mar. 27, 2024), available at <https://www.dallasnews.com/news/faith/2024/03/20/how-eclipses-feature-in-major-world-religions/>, last accessed on March 29, 2024.

6. Attached to this Declaration as **Exhibit 4** is a true and correct copy of the Britannica Islam Summary website page available at <https://www.britannica.com/summary/Islam>, last accessed on March 29, 2024.

7. Attached to this Declaration as **Exhibit 5** is a true and correct copy of the Britannica Hadith Summary website page available at <https://www.britannica.com/summary/Hadith>, last accessed on March 29, 2024.

8. Attached to this Declaration as **Exhibit 6** is a true and correct copy of an excerpt of an English translation of *Bulugh Al-Maram (Attainment of the Objective according to Evidence of the Ordinances)*, compiled by Al-Hafiz Ibn Hajar Al-Asqalani, Darussalam Publishers & Distributors, 2nd Ed. (2002) at 10, available at <https://ia800809.us.archive.org/15/items/BulughAlMaramIbnHajarAlAsqalani/Bulugh%20Al-Maram%20-%20Ibn%20Hajar%20Al-Asqalani.pdf>, last accessed on March 29, 2024.

9. Attached to this Declaration as **Exhibit 7** is a true and correct copy of an excerpt of an English translation of *Sahih Bukhari*, translated by M. Muhsin Khan, edited by Mika'il al-Almany, available at [https://d1.islamhouse.com/data/en/ih\\_books/single/en\\_Sahih\\_Al-](https://d1.islamhouse.com/data/en/ih_books/single/en_Sahih_Al-)

Bukhari.pdf, last accessed on March 29, 2024.

10. Attached to this Declaration as **Exhibit 8** is a true and correct copy of Ramirez, M., *A total eclipse is near.*, USA TODAY (Mar. 23, 2024), available at <https://www.usatoday.com/story/news/nation/2024/03/23/2024-total-solar-eclipse-religious-implications/72869724007/>, last accessed on March 29, 2024.

11. Attached to this Declaration at **Exhibit 9** is a true and correct copy of the United States Commission on International Religious Freedom Factsheet titled, *Santería in Cuba*, available at <https://www.uscirst.gov/sites/default/files/2021%20Factsheet%20-%20Santeria%20in%20Cuba.pdf>, last accessed on March 29, 2024.

12. Attached to this Declaration at **Exhibit 10** is a true and correct copy of Segla, A.D., *The Cosmological Vision of the Yoruba-Ida`acha` of Benin Republic (West Africa): A Light on Yoruba History and Culture*, available at [https://stsinfrastructures.org/sites/default/files/artifacts/media/pdf/the\\_cosmological\\_vision\\_of\\_the\\_yoruba-idaacha.pdf](https://stsinfrastructures.org/sites/default/files/artifacts/media/pdf/the_cosmological_vision_of_the_yoruba-idaacha.pdf), last accessed on March 29, 2024.

13. Attached to this Declaration as **Exhibit 11** is a true and correct copy of the webpage <https://www.atheists.org/convention2017/>, last accessed on March 29, 2024.

14. Attached to this Declaration as **Exhibit 12** is a true and correct copy of the March 11, 2024 DOCCS Lockdown Memo sent by Jeremy Zielinski which, upon information and belief, was shared with inmates at all DOCCS facilities.

15. Attached to this Declaration as **Exhibit 13** is a true and correct copy of Wise, T., *Upcoming Solar Eclipse Gives Churches Avenue to Reach People with the Good News of Jesus Christ*, available at <https://www2.cbn.com/news/us/upcoming-solar-eclipse-gives-churches-avenue-reach-people-good-news-jesus-christ>, last accessed on March 29, 2024.

16. Attached to this Declaration as **Exhibit 14** is a true and correct copy of the webpage  
<https://www.npr.org/2017/08/18/544523271/the-role-of-solar-eclipses-in-religion#:~:text=Transcript-Throughout%20human%20history%2C%20solar%20eclipses%20have%20been%20seen%20as%20having,alike%20have%20their%20own%20understandings>, last accessed on March 29, 2024.

17. Attached to this Declaration as **Exhibit 15** are true and correct copies of documents I received from Plaintiffs showing requests and Grievances related to this action.

Dated: March 29, 2024

New York, New York

/s/ *Madeline E. Byrd*

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Madeline E. Byrd, Esq.  
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*Attorney for Plaintiffs and Others  
Similarly Situated*

**Certificate of Service**

I, Madeline E. Byrd, hereby certify that on Friday, March 29, 2024, counsel for Plaintiffs caused this motion to be served on the DOCCS Office of Counsel.

*/s/ Madeline E. Byrd*

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Madeline E. Byrd

**Certificate of Conference**

I, Madeline E. Byrd, hereby certify that counsel for Plaintiffs called the DOCCS Office of Counsel on Thursday, March 28, 2024 to inform the agency that Plaintiffs would be filing the Complaint and Emergency Motion for Injunctive Relief on Friday, March 29, 2024. The phone operator at DOCCS requested counsel to email the notice. Counsel for Plaintiffs sent the email on Thursday, March 28, 2024 and, as of 11:41am on March 29, 2024, has not heard back.

*/s/ Madeline E. Byrd*

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Madeline E. Byrd